Court imposed the punishment of removal of the name of the appellant from the roll of advocates for a grave professional miscounduct on his part in that he had misappropriated the amount of compensation awarded to his client. The Supreme Court held that the punishment of suspending the advocate from practice for a period of three years, imposed by the Disciplinary Committee of the Bar Council of India, was not sufficient. Where the delinquent advocate returns the money misappropriated before commencing the disciplinary proceedings, a lesser punishment may be justified. In the instant case, the misappropriation remained unabated. In this context, the Supreme Court observed that there was a need to cleanse the legal profession.

(c) and (d) Section 35 of the Advocates Act, 1961 already prescribes three kinds of punishments for professional or other misconduct on the part of an advocate, namely: (i) reprimand the advocate; (ii) suspend the advocate from practice for such period as may be deemed fit; and (iii) remove the name of the advocate from the State roll of advocates. The observations of the Supreme Court in the above case have been noted. The Government feel that there is no need to change the Advocates Act, 1961.

Instructions of Department of Official Language

†1571. DR. MAHESH CHANDRA SHARMA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether instructions contained in O.M. No. 13017/3/90.O.L.(C), dated the 26th November, 1990 of the Ministry of Home Affairs, Department of Official Language are according to the Constitution; and

(b) if so, whether his Ministry is complying with its part (b)?

†Original notice of the question was received in Hindi.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The matter is being examined.

(b) There is no part (b) of O.M. No. 13017/3/90.O.L.(C), dated the 26th November, 1990 of the Ministry of Home Affairs, Department of Official Language.

Corruption cases against Judges

1572. SHRI SANJAY NIRUPAM: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the cases of corruption against Judges of different courts in the country are increasing;

(b) if so, the details thereof; and

(c) how many cases have been registered against the Judges and Metropolitan Magistrates of different courts of Mumbai in recent years?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) No discussion can take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President Praying for the removal of the Judge as laid down under Article 121 of the Constitution of India.

As regards subordinate judicial services, the administrative control over them vests with the High Court under Article 235 of the Constitution of India.

(c) So far as Judges and Metropolitan Magistrates of different courts in Mumbai are concerned, one Judge presiding over the Family Court, Bombay was trapped by Anti Corruption Bureau while accepting bribe. He was under probation and his services were terminated soon after the said incident. Similarly, one Criminal case was registered against a judge of City Civil and Sessions Court, Bombay for allegedly having links with the underworld. A Departmental Enquiry was initiated against the said Judge after

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